

Approved at the April 22, 2008 meeting

Flathead County Solid Waste District
Board of Directors Meeting
March 25, 2008 – **5:00 pm**
Landfill Office

1. Roll Call

Board Members present: Hank Olson, Chairman; Bill Shaw, Vice Chair; Nancy Askew, Board of Health; Dale Lauman, County Commissioner; John Helton, Member at Large. Absent: Greg Acton, City of Whitefish.

District Staff present: Public Works Director Dave Prunty, Operations Manager Jim Chilton and Recording Secretary Deborah Morine.

Attendees who signed the register are: Turner Askew, Matt O'Connell, Bob Thomas, Dan Handlin, Earl Harriman, Cindy Vaughn-Mildred, Jeff Hardgraves, Marvin Rosenberg, Rae Mitchell, Linda Boutilier, Lamont Unger, Daniel McEwen, Bonita Hardgrave, Lois Brown, Jim Redman, Gayle Johnson, Tim Mitchell, Marilyn Holzwarth, Robert Holzwarth, Dennis Wagar, Fran Rehn, Brian Rehn, Christina Miller, James Gilmore, Naomi Mast, Jarine Pressor, Julianne Bacialli, Buck Joster, David Dicke, David Barnweler, R. Benson, Carolyn Feldmann, Mike Feldmann, Linda Smith, William Smith, Peter Gross, Ross Holter, Marc Neves, Kate Marshall, Belinda Strotheide, Sarah Robinson, Richard Robinson, Ken Sugdin, Collin Huessy, Richard Cohen, Julie Gardner, Tracy Gardner, Nancy Krause, Kate Dell, Tonia May, Tyler Apgar, Rut Jones, Aaron Jones, Brian Johnson, Elizabeth Johnson, Susan Johnson, R E Schmitt, William Allen, Colleen Wade, Judy Mathiason, Glen Mathiason, Murphy Wagar, Michelle Wagar, Linda Anderson, Sue & Dave Wallace, Davar Gardner, Dwaine McClintock.

2. Introductory Remarks from Chairman

Hank thanked everyone for attending and recognized the large group of residents who are here from Marion. Hank asked that those who wish to speak to please state their name and address and keep it to a maximum of 3 minutes each.

3. Comments from public

Dave asked Matt O'Connell from Evergreen Disposal to explain the options of private garbage hauling in the Marion area. Matt explained that Evergreen Disposal has the PSC license for private garbage hauling in the Marion area and gave a brief description of what is offered and costs involved. He stated that the more people who sign up for service, the better the rate would be. He wanted the attendees to know that there is an option out there.

An unidentified person suggested Evergreen Disposal take over the site. Another person asked if they come to your home, because some of the driveways are quite long. Matt explained their company provides containers and they are left at a road where the trucks are able to get into. So depending on

where people live, they might have to leave the can out on the nearest accessible road on the day of pickup.

Comments from Marion residents –

- Christina Miller – passed out and read from a letter she had written to the Board. She owns the Marion Mercantile and Hardware Store as well as rentals. She owns 4 parcels of land in the Marion area. The letter included her opinion of the District's income and costs for the Marion site. She stated there is growth in the area and states that the Marion area seems to be self-supporting (in terms of the site) and considering the overall environmental issues and costs, she feels the issue needs further assessment and accounting.
- Aaron Johnson – stated that most roads are dirt. The Evergreen trucks would have a hard time getting to the homes to pick up garbage.
- Nancy Krause – stated Bitterroot Lake population increases in the summer time. She is part of the Adopt a Highway and anticipates increased trash along the roads. She also asked what impact studies have been done before the Kila project get underway and have any 404 permits been applied for? She needs to know that the environmental impact has been studied.
- Peter Gross – Member of Cabin Creek Landing and McGregor Lake Association. Opposes the closing of the Marion site. He stated that it is the obligation of the County to provide environmentally positive results. What impact will the closure have? He stated that more fuel would be used if everyone had to drive further to dump their trash. "We are going backwards". "You need to insure it is easier to recycle". "Wrong signal to the rest of the World".
- Kate Dell – Owns the Hitching Post in Marion. She stated that the business owners will have to increase their trash load since more people would be using their containers. She currently uses Evergreen Disposal and pays \$160 per month for them to pick up her trash.
- Dan McEwen – Moose Crossing. Said when he lived in Washington they closed the trash area there and the same thing is going to happen here.
- Ray Schmidt – McGregor Lake. He stated the County seems determined to close the dump. His understanding is that there are 500 homes in the Marion fire district. Even if everyone were to pay \$20/ton to run the dump there would be enough money (referring to the \$80.73 annual assessment). He exclaimed, can't you run this at a break-even cost? He also stated that the County is being unfair in their decision to close the site.
- Brian Johnson – Idaho Hill. He considers Plum Creek property his back yard. He lives ¼ mile from Horseshoe Lake and sees a lot of trash around the lake now.
- Jeff Hardgraves – Pleasant Valley Road. He stated he has lived in the area since '72 and knows of 5 spots where there is still buried garbage where people used to take their trash. He said people aren't going to take it to Kila. He suggests using a long container box and making one trip a day.
- David Barnweler – Agrees with what he's heard.

- Coleen Wade – Browns Meadow Road. Stated she agreed with the suggestion of the environmental impact study on the Kila site. She is also has concerns with the Kila school in the area and trash coming from Kalispell as well.
- Gene Preston – Hwy 2 West. Stated there is income disparity in the area. He also had talked with Jim on the phone and stated he perceived a tone of dismissiveness. If you take away the site, you take away the encouragement to do what's right.
- Sarah Robinson – Alberta Dr. Last summer's fires were close to them and she fears that people will burn trash and it could turn into a serious fire hazard.
- Richard Cohen – Whitefish. Stressed the importance of recycling to extend the life of the landfill.
- Marc Nevas – Dower Draw. Strongly endorses what Richard Cohen said. He stated he doesn't want to see a new site in Kila, he would prefer it to be along Highway 2. He request the Board put more thought into it.
- Buck Foster – Bitterroot Lake. He said he doesn't want to see the Marion area get junked out. He also said people up there are paying taxes and you should keep the site up there.
- Davar Gardner – Bitterroot Drive. Noted that 50% of the roads would not accommodate a trash can or a garbage truck. He stated that no one has had a decrease in their taxes and the County should provide service for the trash. He also stated that he can provide a facility for a public meeting on the matter if we need one.
- Dan Henman – Bitterroot Road. He stated that you are making a problem for us, we are going to add to the problems, we are going to do everything we can to stop you. He said that expanding Kila is a bad idea and we are going to do everything we can to stop it.
- Judy Mathiason- Pleasant Valley Road. She remembers before Marion even had a dump and they took care of their own. She said it is a ridiculous idea to close the dump. She also said it was a bad idea when they pulled the boxes at McGregor. She thinks we are going backwards and why don't we have recycling in Marion?
- Fran Rhen – Highway 2 West. Looked at the website and noticed in the minutes that the recycling contract included an optional Marion recycle box. Why would Marion be an option if you were planning on closing the site?
- Brian Rhen – Moved from Seattle 4 years ago. He doesn't want to see the highway looking like "I-5 recycling" because people throw their trash out on the roads.
- Collin Huessy – Highway 2 West. Stated it is way more efficient for one truck a day to haul trash than to have 100 vehicles to make the trip to Kila.
- Julianne Bacialli – McGregor Lake Resort. She stated it isn't safe to get into and out of Kila. The approaches into Kila from the highway are a safety issue.

- Carolyn Feldmann – Highway 2 West. She agrees with what people are saying. She is also glad to have people from Kila here.
- Unidentified – Kila dump is a very busy place.
- Bob Thomas – Kelsey Road. It would be a hardship on the people to drive to Kila.
- Roger Benson – Somers. He would like to see the practice of scavenging outlawed. He said it is a big liability for Flathead County. He encouraged the Board to take steps toward resolving the scavenging issue.
- Tonya May – owns the Quick Stop in Marion. She agrees on what has been said.
- Christina Miller – Highway 2 West. She stated there was a lot of patronization when they called. We are willing to do what is necessary to come to a compromise. We are the ones paying taxes and would like to see it delved into.
- Davar Gardner – Bitterroot Drive. Gave an example of the boxes that are along the road in Lincoln County, that it might be an extra expense, but would keep the road cleaner if we did the same.
- Bill Smith – Marion Pine Drive. He agrees with what has been said.
- Lois Brown – Grizz Lane. She talked to Dave on the phone and surmised that the county has already made up their mind. She stated Dave said we like to hear from you people.

Hank Olson said that the Board will have discussions on the Marion site a little later in the meeting and all are welcome to stay if they wish. Hank thanked everyone for coming and giving their concerns and opinions.

Bill Shaw stated that the figures in Christina Miller's letter are not correct. Only a percentage of the landfill fee (*which is \$80.73 per residential unit*) goes to the Marion site. You cannot assume that the total fee collected from Marion residents is only allotted to the Marion site. The county as a whole subsidizes the transfer sites.

As an example, Hank explained that Kalispell (*city*) residents pay a city garbage fee (*which is \$102 per residential unit*) as well as the \$80.73 landfill fee. Every property owner in the county who has a livable improvement on their property pays a county landfill fee.

There were some comments back and forth between the Board and public as most of the people were exiting the room.

Hank brought the meeting back to order and proceeded with business.

4. Approval of the Board Meeting Minutes for February 26, 2008 - **Action Required**

John Helton moved to adopt the minutes for February 26, 2008 meeting. Nancy Askew seconded. Motion passed.

5. Action Agenda

a. Recommendation from Interview Committee for Member-At-Large Board Position – **Action Required**

The committee interviewed two prospective applicants for the open Member-At-Large Board position on March 17th. The two applicants are Mr. Powell Clinton and Mr. Alan Ruby. There were two other applicants but both rescinded their interests prior to the interviews. The committee is recommending Mr. Alan Ruby.

Nancy Askew moved to recommend to the Flathead County Commission to appoint Mr. Alan Ruby for the remainder of Nate Sande's term which expires on December 31, 2008. Bill Shaw seconded. Motion passed.

b. Request for Qualifications/Proposal for Landfill Gas to Energy Project – **Action Required**

After discussing this project with the County Attorney's Office, we have determined that it is required that the District prepare and solicit responses from qualified firms for this potential project. When the project was first discussed Johnson Controls Inc., who has been hired by Flathead County to perform some energy performance contracting at the County campus in Kalispell, were a pre-approved contractor by the State of Montana so the District would not have had to solicit other applicants. Now that Flathead Electric Cooperative is involved, the District must solicit qualifications/proposals and review before moving forward with the project.

John Helton moved to direct staff to prepare and solicit responses for a Request for Qualifications/Proposal for a landfill gas to energy project at the Flathead County Landfill. Bill Shaw seconded. Motion passed.

6. Director's Report

a. Container Site Scavenging

Mr. Roger Benson spoke to the Board at last month's meeting informing them of the assault case he has filed against a scavenger from an altercation that occurred at the Somers container site. Mr. Benson would like the Board to adopt a policy of no scavenging at the sites.

The District currently does not stop any scavenging at the sites. After discussions with Jonathan Smith with the County Attorney's Office, the District would need to adopt such a resolution before any enforcement could occur. To enforce the policy, the District would need to staff the sites to make it effective. Help will most likely also be needed from the Sheriff's Department. District employees would be unable to remove citizens from the site for

scavenging. Jonathan said that anyone caught scavenging after being asked to leave could most likely be charged with criminal trespassing. He did not think that the County could create an ordinance regarding scavenging since the State of Montana has no law against it to his knowledge.

Staffing the sites has been discussed by the Board on multiple occasions. There are at a minimum seven sites (Columbia Falls, Bigfork, Coram, Creston, Kila, Lakeside and Somers) that would most likely need to be staffed. With our current operating hours equal to 13 hours per day, seven days per week the District would need to hire 15.9 FTE's to provide this service. This is the amount of staff we currently employ for operations of the landfill, container sites, junk vehicle program and the other associated services provided by the District.

The Board discussed the district's ability to enforce a scavenging law but recognizing the need to manage the risk.

The Board directed Dave to ask Jonathan Smith to draft a resolution to bring to the Board at next month's meeting.

b. Container Site Consolidation Program for Marion and Kila

During last month's meeting the Board directed staff to budget for the construction of a new Kila container site just south of the existing site and to close the Marion site after the construction project is completed. Staff hopes to have the project completed by the end of the coming construction season, depending on the approval of the budget for the new fiscal year starting in July 1, 2008.

We have received many phone calls from citizens in the Marion area who are concerned about the closure of the Marion site. We discussed last month that a public meeting may be appropriate for citizens to voice their opinion of this proposal. We have found that most of the people we have talked with would like the opportunity to let the Board know how they feel about the proposal. There are multiple sites that this meeting could occur. The conference room at the Earl Bennett Building is typically where the County holds such meetings. This may work best for staff because our ability to record the meeting for minute taking is enhanced. Some citizens in the Marion area suggested the Fire Hall in Marion as a good place. Potentially the Kila School may also be an acceptable facility.

Dave recommended that we set up a public meeting in order to have a more interactive forum.

Hank said he would like to gather all the comments and suggestion and discuss them at the next Board meeting before scheduling a public meeting.

Nancy asked to take a tour of the Kila and Marion sites before the next meeting.

The Board decided to meet at the landfill office before the regularly scheduled Board meeting on April 22 in order to tour the Kila and Marion sites. It was discussed that this will be considered an open meeting and that public notification will be required.

Dave also reminded the board that the Marion site lease will end in 2011 and at any time the MT DOT has the right to evict the District with only a 30 day notice.

c. Prescription and Over-the Counter (OTC) Drug Take Back Program

Veolia Environmental Services has informed staff that they are unable to provide services to the District for a prescription and OTC program. Veolia was informed from the Drug Enforcement Agency (DEA) Washington, D.C. office, that the law does not allow them to receive the materials. The DEA said that law enforcement would be the only agency that is authorized to take possession of the medications and they would need to receive it at their evidence rooms. According to the DEA, there is legislation that is being created at the federal level that would allow waste companies, such as Veolia, the ability to offer these services, but it has yet to be approved. In the interim, the DEA recommended that the drugs be pulverized and rolled up in a newspaper and placed in the landfill.

I have also been discussing this program with Sure Way Systems in Anaconda, MT. They are a medical waste company that many of the hospitals in the state use for disposal of medicines and bio-hazardous wastes. They were checking to see if they could possibly provide service to the District for an event.

If we want to continue working on this project, I believe we may now need to involve the local pharmacies in the County. Hopefully, these businesses should have the proper credentials to handle the medications on both the dispensing and disposal side.

d. Refuse Operations

Operations proceeded well for the month. Tonnage/Volumes are shown below:

	<u>February</u>
Total MSW to landfill	7,261.46
Total Appliances Collected	797
Junk Vehicles Collected	8
Truck Trips to Landfill	470
Refuse tons/trip	6.45

e. District Financial Statements

Dave reviewed the financial statements with the Board.

7. Comments from Board Members

There were no comments.

8. Adjournment

The meeting was adjourned at 7:36 p.m.